

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

GEORGE REILLY and VITO GIACHETTI, *as Co-
Chairmen of the Board of Trustees of the* PLUMBERS
LOCAL NO. 1 WELFARE FUND, et al.,

ORDER
03 CV 3405 (NGG)

Plaintiffs,

-against-

GAGE PLUMBING II CORP., et al.,

Defendants.

-----X

GARAUFIS, District Judge.

On September 9, 2005 Magistrate Judge Cheryl L. Pollak issued a Report and Recommendation (“R&R”) in the above-captioned action recommending that the Plaintiffs be awarded (1) \$50,871.86 in delinquent contributions; (2) \$13,243.13 in interest; (3) \$10,109.13 in liquidated damages; (4) \$5,579.92 in attorney’s fees incurred by the Barnes firm; and (5) \$150.00 in costs. I issued an Order dated September 25, 2005 adopting Judge Pollak’s R&R in its entirety.

In the Plaintiffs’ initial application, they also requested an award of damages for late charges and attorney’s fees incurred by Plaintiffs’ prior counsel. Judge Pollak correctly concluded that the Plaintiffs had failed to substantiate their entitlement to late charges and had failed to provide the court with sufficient information to determine proper attorney’s fees. Judge Pollak recommended that the Plaintiffs be given an opportunity to submit further documentation in support of these claims, which Plaintiffs did.

On January 17, 2006, Judge Pollak issued a Supplemental Report and Recommendation recommending that Plaintiffs be awarded \$5,446.05 in late charges and attorney's fees. No objections to the Supplemental R&R have been timely filed. This court has reviewed the Supplemental R&R and is satisfied that there is no clear error on the face of the record. I therefore adopt Judge Pollak's Supplemental R&R. The Clerk of the Court is directed to enter judgment in the amount of \$5,446.05 against Defendants.

SO ORDERED.

Dated: February 6, 2005
Brooklyn, N.Y.

/s/
Nicholas G. Garaufis
United States District Judge